

FILING FEE DEFERRAL AT THE START OF YOUR CASE

Before signing a court document or getting involved with a court case, it's important to see an attorney to make sure you're doing the right thing. The Self-Help Center has information on finding an attorney.

INSTRUCTIONS

Read all Instructions and Forms before starting. Fill out forms by printing in blue ink or typing.

Use this packet for a fee deferral at the start of your case. If you want a deferral or waiver at the end of your case, use the Self-Help Center packet, *Filing Fee Deferral at the End of Your Case*.

A fee deferral lets you pay your court fees in installments instead of all at once. You may qualify for a deferral if your gross income is at or below the levels in the table below or if you have extraordinary expenses that bring your income at or below these levels.

| Household Size (all related individuals) | Gross Monthly Income Level |
|--|----------------------------|
| 1 | \$1,163.75 |
| 2 | \$1,561.25 |
| 3 | \$1,958.75 |
| 4 | \$2,356.25 |
| 5 | \$2,753.75 |
| 6 | \$3,151.25 |
| 7 | \$3,548.75 |
| 8* | \$3,946.25 |

*For family units with more than 8 members, add \$397.50 for each additional member.

STEP 1: FILL OUT THE APPLICATION FOR DEFERRAL OF COURT FEES AND/OR COSTS AND CONSENT TO JUDGMENT

- (1) Enter your name; street address; city, state, and zip code; and phone number.
- (2) Enter Plaintiff/Petitioner's name as it appears on the Complaint/Petition.
- (3) Enter Defendant/Respondent's name as it appears on the Complaint/Petition.
- (4) Enter the county where you live.
- (5) Check each fee you want deferred.
- (6) Check each type of assistance you receive. *If you check any box, do not fill out the rest of the form.* Just date and sign in front of the Clerk of Court (see below).
- (7) Check if applicable.
- (8) If you checked the box in Item 7, leave blank. If you didn't check the box in Item 7, check and explain if applicable.
- (9) Enter the name and relationship to you of each person you support financially.
- (10) Check each type of assistance you receive. If you check "Other", explain.
- (11) Enter your employer's name and address and the month and year you began working there.
- (12) Enter your monthly gross income.
- (13) Enter your other current monthly income, if any, and explain.
- (14) Enter your spouse's monthly gross income if you know it.
- (15) Enter the total of the amounts in the Monthly Income section.
- (16) Fill in the blanks.
- (17) Enter the total of the amounts in the Monthly Expenses and Debts section.

- (18) Fill in the blanks.
- (19) Enter the total of the amounts in the Statement of Assets section.
- (20) Enter the descriptions and amounts of your extraordinary expenses, if any.
- (21) Enter the total of the amounts in the Extraordinary Expenses section.

Do not date and sign until you're in front of the Clerk of Court (see below). Make sure you read and understand the Consent to Judgment.

STEP 2: FILL OUT THE AFFIDAVIT IN SUPPORT OF APPLICATION FOR DEFERRAL OR WAIVER OF SERVICE COSTS

If you're asking for a fee deferral for service by sheriff or publication, fill out the Affidavit.

- (1) Enter your name; street address; city, state, and zip code; and phone number.
- (2) Enter Plaintiff/Petitioner's name as it appears on the Complaint/Petition.
- (3) Enter Defendant/Respondent's name as it appears on the Complaint/Petition.
- (4) Enter the county where you live.
- (5) Check if you're asking for a fee deferral for service by sheriff. If you check, check each statement that applies, and explain if applicable.
- (6) Check if you're asking for a fee deferral for service by publication.
- (7) If you checked the box in Item 6, check and explain.
- (8) If you checked the box in Item 6, check and fill in the blanks.
- (9) Enter the date.
- (10) Enter the other party's last known address.

Do not date and sign until you're in front of the Clerk of Court (see below).

STEP 3: FILL OUT THE ORDER

- (1) Enter your name; street address; city, state, and zip code; and phone number.
- (2) Enter Plaintiff/Petitioner's name as it appears on the Complaint/Petition.
- (3) Enter Defendant/Respondent's name as it appears on the Complaint/Petition.
- (4) Enter your name.

Do not fill in any other blanks. The court will fill in those blanks.

STEP 4: TAKE THE FORMS TO THE CLERK OF COURT

When you go to the Court House to file your Complaint/Petition or other papers, also take the original and one copy of the following.

- ☐ Application for Deferral of Court Fees and/or Costs and Consent to Judgment
- ☐ Affidavit in Support of Application for Deferral or Waiver of Service Costs, if applicable
- ☐ Order

Ask the Clerk for a Filing Fee Coversheet.

Date and sign the Application and, if applicable, the Affidavit in front of the Clerk. The Clerk will fill out the rest of the Acknowledgment and Signature under Oath sections.

STEP 5: TAKE THE FORMS TO COURT ADMINISTRATION

Take the Filing Fee Coversheet and the forms listed in Step 4 to Court Administration in the Court House. The Special Court Commissioner will review your Application and sign your Order granting or denying your deferral.

If your deferral is granted, the Special Court Commissioner will work with you to set up a payment plan. You will be given two copies of a Payment Order Contract explaining your payment plan. All your forms from Step 4 will be returned to you.

If your deferral is denied, STOP HERE. You must pay the fees.

If you think your deferral should have been granted, you may ask the Special Court Commissioner to reconsider the decision. If the Special Court Commissioner still denies your deferral, you may ask that a judge review the decision by filing a request for hearing within 20 days of the day the Special Court Commissioner gave you the denial order.

**STEP 6: IF YOUR DEFERRAL IS GRANTED:
FILE THE FORMS WITH THE CLERK OF COURT**

Go back to the Clerk's window and give the Clerk the Filing Fee Coversheet, both copies of the Payment Order Contract, and the originals and copies of the forms listed in Step 4. The Clerk will stamp your copies with the filing date and return them to you for your records.

IMPORTANT: The Application for deferral of court fees and/or costs includes a Consent to Entry of Judgment. By signing the Consent, you agree that a judgment may be entered against you for all fees and/or costs that are deferred, but that remain unpaid after thirty (30) calendar days following the entry of final judgment. At the conclusion of the case you will receive a Notice indicating how much is owed and what steps you must take to avoid a judgment against you if you are still unable to pay. Additional details about this process are discussed in the Consent to Judgment Section of the Application.

- (1) Name:
Street Address:
City, State, Zip:
Phone Number:
Representing Self

SUPERIOR COURT OF ARIZONA, COUNTY OF COCONINO

- (2) Plaintiff/Petitioner

Case Number: _____

- (3) Defendant/Respondent

**APPLICATION FOR DEFERRAL OF
COURT FEES AND/OR COSTS AND
CONSENT TO ENTRY OF JUDGMENT**

IMPORTANT

This Application for deferral of court fees and/or costs includes a Consent to Entry of Judgment. By signing this Consent, you agree that a judgment may be entered against you for all fees and/or costs that are deferred, but that remain unpaid after thirty (30) calendar days following the entry of final judgment. At the conclusion of the case you will receive a Notice indicating how much is owed and what steps you must take to avoid a judgment against you if you are still unable to pay. Additional details about this process are discussed in the Consent to Judgment Section of this Application.

- (4) State of Arizona)
County of) ss.

STATEMENTS MADE TO THE COURT UNDER OATH. I swear or affirm that the information in this application is true and correct. I make this statement under the penalty of prosecution for perjury if it is determined that I did not tell the truth.

- (5) 1. **I am requesting a deferral of the following fees and/or costs in my case:**

Any or all of the following: All filing fees, fees for issuing summonses and subpoenas, fees for obtaining one certified copy of a temporary order in a domestic relations case, a final order, judgment or decree in all civil proceedings, child support payment history and fees for attending the Domestic Relations Education on Children's Issues Program, pursuant to A.R.S. 25-355. Fees for service of process by a sheriff, marshal, constable or local law enforcement agency (fill out separate affidavit form). Fees for service by publication (fill out separate affidavit form). Filing fees and photocopy fees for the preparation of the record on appeal. Court reporter's fees of reporters or transcribers employed by the court for the preparation of the transcript.

- (6) 2. **The basis for the deferral request is that I receive governmental assistance from the state/federal program(s) checked below:**

Temporary Assistance to Needy Families (TANF)

Food Stamps

Supplemental Security Income (SSI)

General Assistance (GA)

IF YOU CHECKED ONE OF THE BOXES ABOVE, go directly to the end of the last page and date and sign the Application in front of the clerk or a notary public. You do not need to complete other parts of this form.

OR

3. **The basis for the deferral request is:**

- (7) A. My income is insufficient or is barely sufficient to meet the daily essentials of life, and includes no allotment that could be budgeted for the fees and costs that are required to gain access to the court. **You must fill out the Financial Questionnaire below.**

To determine whether income is insufficient or barely sufficient, the court will review your income and expenses. Among the factors the court may consider are:

1. Whether your gross income as computed on a monthly basis is 150% or less of the current federal poverty level. Gross monthly income includes your share of community property income if available to you.
2. If your income exceeds 150% of the poverty level, but you have proof of extraordinary expenses, including medical expenses, costs of care for elderly or disabled family members or other expenses that the court finds are extraordinary and that reduce your gross monthly income to at or below 150% of the poverty level.

OR

IF NONE OF THE ABOVE REASONS APPLY, you still may request a deferral of court fees and/or costs for good cause shown. If granted, the court either will postpone payment until the conclusion of the case or establish a schedule for you to make payments.

- (8) B. I do not have the money to pay court filing fees and/or costs now. I can pay the filing fees and/or costs at a later date. Explain.

You must fill out the Financial Questionnaire below.

FINANCIAL QUESTIONNAIRE

SUPPORT RESPONSIBILITIES: List the individuals who you support (including paying child support and/or spousal maintenance):

| (9) | Name | Relationship |
|-----|------|--------------|
|-----|------|--------------|

STATEMENT OF INCOME AND EXPENSES:

(10) **Assistance:** I receive assistance from:

Arizona Health Care Cost Containment System (AHCCCS)

Arizona Long Term Care System (ALTCS)

Other (explain):

Monthly Income: My monthly income is:

(11) Employer name:

Employer address:

Employed since (month/year):

Monthly gross income:

(12) \$

Other current monthly income, including spousal maintenance, retirement, rental, interest, pensions, scholarships, grants, royalties, lottery winnings (explain amount and source):

(13) \$

My spouse's monthly gross income (if available to me):

(14) \$

Total Monthly Income:

(15) \$

(16) **Monthly Expenses And Debts:** My monthly expenses and debts are:

| | Payment Amount | Loan Balance |
|--------------------------|----------------|--------------|
| Rent/Mortgage Payment | \$ | \$ |
| Car Payment | \$ | \$ |
| Credit Card Payments | \$ | \$ |
| Explain: | | |
| Other Payments and Debts | \$ | \$ |
| Explain: | | |
| Food/Household Supplies | \$ | |
| Utilities/Telephone | \$ | |
| Clothing | \$ | |
| Medical/Dental/Drugs | \$ | |
| Health Insurance | \$ | |
| Nursing Care | \$ | |

| | | |
|--|----|---------|
| Laundry | \$ | |
| Child Support | \$ | |
| Child Care | \$ | |
| Spousal Maintenance | \$ | |
| Car Insurance | \$ | |
| Gasoline/Bus Fare | \$ | |
| Contributions to Employer or Other Retirement Account | \$ | |
| Total Monthly Payments: | | (17) \$ |

(18) **Statement of Assets:** Equity is defined as market value minus any liens or loans. List only those assets available to you and accessible without financial penalty.

| | Estimated Value |
|--------------------------------------|-----------------|
| Cash and Bank Accounts | \$ |
| Credit Union Accounts | \$ |
| Equity in: | \$ |
| 1. Home | \$ |
| 2. Other Property | \$ |
| 3. Cars/Other Vehicles | \$ |
| Other, including Stocks, Bonds, etc. | \$ |
| Retirement Accounts | \$ |
| Total Assets: | (19) \$ |

(20) **Extraordinary Expenses:** Other facts supporting this application: (For example, describe and provide proof of unusual medical needs, financial hardship, costs of care of elderly or disabled family members.)

| | Estimated Value |
|--------------------------------------|-----------------|
| | \$ |
| | \$ |
| | \$ |
| Total Extraordinary Expenses: | (21) \$ |

CONSENT TO JUDGMENT: By signing this Application, you agree that a judgment may be entered against you for all fees and/or costs not taxed to another party that are deferred, but that remain unpaid after thirty (30) calendar days following the entry of final judgment. Judgment automatically will be entered against you unless any one of the following applies:

- A. Fees and costs are taxed to another party;
- B. You make a supplemental application for waiver or further deferral of fees and/or costs and a decision by the court is pending;
- C. The court orders that the fees and costs be waived or further deferred; or
- D. Within twenty days of the date the court denies the supplemental application, you either:
 1. Pay the fees and/or costs; or,
 2. Request a hearing on the court's order denying waiver or further deferral. If you request a hearing, the court can not enter the consent judgment unless a hearing is held, waiver or further deferral is denied and payment has not been made within the time prescribed by the court.

At the end of your case, you will receive a notice reminding you that you may submit a supplemental application for further deferral or waiver if you believe you still cannot afford to pay your court fees and/or costs. The court will decide at that time whether or not you must pay.

ACKNOWLEDGMENT AND SIGNATURE UNDER OATH

Today's Date: _____ Signature: _____
Printed Name: _____

SUBSCRIBED AND SWORN or affirmed and acknowledged before me on:

Date: _____ by: _____

My Commission Expires: _____

Judicial Officer, Clerk or Notary Public

- (1) Name:
Street Address:
City, State, Zip:
Phone Number:
Representing Self

SUPERIOR COURT OF ARIZONA, COUNTY OF COCONINO

- (2) Plaintiff/Petitioner

Case Number: _____

- (3) Defendant/Respondent

**AFFIDAVIT IN SUPPORT OF
APPLICATION FOR DEFERRAL OR
WAIVER OF SERVICE OF PROCESS COSTS**

- State of Arizona)
(4) County of) ss.

STATEMENTS MADE TO THE COURT UNDER OATH. I swear or affirm that the information in this application is true and correct. I make this statement under the penalty of prosecution for perjury if it is determined that I did not tell the truth.

I have requested a deferral of the following fees in my case:

- (5) **1. Fees for service of process by a sheriff, marshal, constable or local law enforcement agency:**

In support of my request, I state that (check and complete any that apply):

I have attempted to obtain voluntary acceptance of service of process without success on the person to be served.

It would be useless or dangerous for me to try to obtain voluntary acceptance of service by the person to be served because (explain):

There is an enforceable Order of Protection or Injunction Against Harassment between the parties.

- (6) **2. Fees for publication:** In support of my request, I state that I have attempted to locate the person to be served but I have been unable to locate that person (**check and complete any that apply**):

- (7) This is what I did to try to find the other party (explain):

- (8) I have contacted the person(s) listed below to try to find the location of the other party.

Name

Address

ACKNOWLEDGMENT AND SIGNATURE UNDER OATH

Today's Date: _____

Signature

SUBSCRIBED AND SWORN or affirmed and acknowledged before me on (date):

_____.

My Commission Expires: _____

Clerk or Notary Public

INFORMATION FOR SERVICE BY LAW ENFORCEMENT

You must answer this if you want a sheriff, marshal, constable or local law enforcement agency to serve papers on the other party:

To the best of my knowledge, as of (date) (9)
of the person to be served was:

, the last known address

(10)

(1) Name:
Street Address:
City, State, Zip:
Phone Number:
Representing Self

SUPERIOR COURT OF ARIZONA, COUNTY OF COCONINO

(2)
Plaintiff/Petitioner

Case Number: _____

ORDER:

- ☐ **DEFERRING COURT FEES AND/OR COSTS (ODF)**
☐ **WAIVING COURT FEES AND/OR COSTS (OWC)**
☐ **DENYING DEFERRAL/ WAIVER OF COURT FEES AND COSTS (ODD) AND CONSENT TO ENTRY OF JUDGMENT**

(3)
Defendant/Respondent

THE COURT FINDS that the applicant (print name) (4)

- ☐ 1. IS NOT ELIGIBLE FOR A DEFERRAL of fees and/or costs.
OR
☐ 2. IS ELIGIBLE FOR A DEFERRAL based on financial eligibility for a deferral of fees and costs. As required by state law, the applicant has signed a consent to entry of judgment.
OR
☐ 3. IS ELIGIBLE FOR DEFERRAL of fees and/or costs on good cause shown.
OR
☐ 4. IS ELIGIBLE FOR WAIVER of fees and/or costs at the courts discretion (A.R.S. 12-302(M)).

IT IS ORDERED:

- ☐ 1. DEFERRAL DENIED for the following reason(s):

☐ The application is incomplete because: _____

You are encouraged to submit a complete application before a consent judgment is entered against you.

- ☐ The applicant does not meet the financial criteria for fee deferral because:

A deferral MUST BE granted if the applicant is receiving public assistance benefits or has an income that is insufficient or barely sufficient to meet the daily essentials of life and that includes no allotment that could be budgeted to pay the fees and/or costs necessary to gain access to the court or if the applicant demonstrates other good cause.

- ☐ This is a class action.

- ☐ The applicant is an incarcerated felon and this is not a domestic relations action.

- ☐ 2. DEFERRAL GRANTED for the following fees and/or costs in this court:

- ☐ Any or all filing fees, fees for the issuance of summonses and subpoenas, fees for obtaining one certified copy of a temporary order in a domestic relations case, or a final order, judgment or decree in all civil proceedings, child support payment history report or fees for attending Domestic Relations Education on Children's Issues Program pursuant to A.R.S. 25-355.
- ☐ Fees for service of process by a sheriff, marshal, constable or local law enforcement agency
- ☐ Fees for service by publication
- ☐ Filing fees and photocopy fees for the preparation of the record on appeal
- ☐ Court reporter's fees of reporters or transcribers employed by the court for the preparation of the transcript.

IF A DEFERRAL IS GRANTED, PLEASE CHECK ONE OF THE FOLLOWING BOXES.

- ☐ NO PAYMENTS WILL BE DUE UNTIL FURTHER NOTICE (Only applies to Finding #2 or #3).
- ☐ SCHEDULE OF PAYMENTS (Only applies to Finding #3).
The applicant shall pay \$_____ each _____ (week, month, etc.) until paid in full, beginning _____.

- ☐ 3. WAIVER GRANTED for all fees and/or costs of this case that may be waived under A.R.S. 12-302(I).

4. RIGHT TO JUDICIAL REVIEW. If the application is denied or a payment schedule set by a special commissioner, you may request the decision be reviewed by a judge or judicial officer. The request must be made within twenty (20) days of the day the order was mailed or delivered to you. If a schedule of payments has been established, payments shall be suspended until a decision is made after the judicial review. The judicial review shall be held as soon as possible.

- ☐ 5. **CONSENT TO ENTRY OF JUDGMENT.** In accordance with state law and procedures adopted by the Arizona Supreme Court, a consent judgment shall be entered against the applicant for all fees and costs that are deferred and not taxed to another party, but that remain unpaid after thirty (30) calendar days following the entry of final judgment unless any one of the following applies:
- A. Fees and costs are taxed to another party;
 - B. A supplemental application for waiver or further deferral remains pending;
 - C. The court orders that the fees and costs be waived or further deferred; or
 - D. Within twenty days of the date the court denies the supplemental application, the applicant:
 - 1. Pays the fees; or,
 - 2. Requests a hearing on the court's order denying waiver or further deferral. If the applicant requests a hearing, the court shall not enter the consent judgment unless a hearing is held, waiver or further deferral is denied and payment has not been made within the time prescribed by the court.
6. **DUTY TO REPORT CHANGE IN FINANCIAL CIRCUMSTANCES.** An applicant who is granted a deferral shall promptly notify the court of the change in financial circumstances during the pendency of the case that would affect the applicant's ability to pay court fees and costs. Any time the applicant appears before the court on this case, the court may inquire as to the applicant's financial circumstances.

DATED: _____

☐ Judicial Officer or
☐ Special Commissioner